

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COOKEVILLE DIVISION**

JAMES MCCUTCHEN,

Plaintiff,

v.

**MACON COUNTY SHERIFF'S
DEPARTMENT, et al.,**

Defendants.

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**No. 2:10-cv-00094
Judge Trauger**

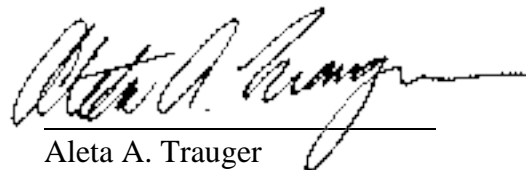
ORDER

On October 5, 2010, the court entered an order (Docket No. 20) in which the *pro se* prisoner was assessed the three hundred and fifty dollar (\$350) fee for the filing of a civil rights complaint.

Since the entry of this order, the plaintiff has filed a "Motion to Stop Garnishment" (Docket No. 40), asking the court to discontinue collection of the three hundred and fifty dollar assessment.

The assessment and collection of the filing fee from a prisoner in a civil rights action is mandated by statute. 28 U.S.C. § 1915(b) ("... the prisoner *shall* be required to pay the full amount of the filing fee.") (emphasis added). As such, the court has no discretion with regard to the assessment or collection of the filing fee. Consequently, the plaintiff's Motion to Stop Garnishment has not merit and is hereby **DENIED**.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge